

COMMISSION ON STATE MANDATES  
NOTICE AND AGENDA<sup>1</sup>

State Capitol, Room 126  
Sacramento, California

December 2, 2003

1:30 P.M

I. CALL TO ORDER AND ROLL CALL

II. ELECTION OF CHAIRPERSON

Item 1 Staff Report

III. APPROVAL OF MINUTES (action)

Item 2 September 25, 2003

IV. PROPOSED CONSENT CALENDAR (action)

*Note: If there are no objections to any of the following action items designated by an asterisk (\*), the Executive Director will include it on the Proposed Consent Calendar that will be presented at the hearing. The Commission will determine which items will remain on the Consent Calendar.*

V. HEARINGS AND DECISIONS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (action)

A. APPEAL OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (c). (Note: This item is limited to appeals regarding this month's agenda items.)

Item 3 Staff Report

B. TEST CLAIMS

Item 4 *Integrated Waste Management*, 00-TC-07  
Santa Monica and Lake Tahoe Community College Districts, Co-Claimants  
Public Resources Code Sections 40148, 40196.3, 42920-42928  
Public Contract Code Sections 12167, 12167.1  
Statutes 1992, Chapter 1116 (AB 3521)  
Statutes 1999, Chapter 764 (AB 75)  
Manuals of the California Integrated Waste Management Board

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<sup>1</sup> This public meeting notice is available on the Internet at <http://www.csm.ca.gov>.

- Item 5      *School Accountability Report Cards II and III*, 00-TC-09, 00-TC-13, and 02-TC-32, Empire Union School District, Sweetwater Union High School District, and Bakersfield City School District, Claimants  
Education Code Sections 33126, 33126.1, 41409  
Statutes 1997, Chapter 912 (AB 572); Statutes 2000, Chapter 996 (SB 1632)  
Statutes 2001, Chapters 159 (SB 662) and 734 (AB 804); and Statutes 2002, Chapter 1168 (AB 1818)

C. PROPOSED STATEMENTS OF DECISION (Note: Items 6 and 7 will not be voted on unless the staff recommendations for Items 4 and 5 respectively are adopted.)

- Item 6      *Integrated Waste Management*  
*See Item 4 Above*

- Item 7      *School Accountability Report Cards II*  
*See Item 5 Above*

- Item 8\*      *Dismissal of Standardized Account Code Structure*, 97-TC-17, 02-TC-14  
Brentwood Union School District, Claimant  
Education Code Section 41010  
Statutes 1993, Chapter 237 (SB 94); Statutes 1995, Chapter 525 (AB 438);  
Statutes 1997, Chapter 299 (AB 1578)  
California School Accounting Manual, Part II  
California Department of Education Letters Dated October 21, 1994; December 22, 1995; November 1996; March 24, 1997 (Draft Version); and September 8, 1997  
California State Board of Education Agenda and Full Board Minutes for April 11, 1997 Meeting

VI. INFORMATIONAL HEARING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8 (action)

A. ADOPTION OF PROPOSED PARAMETERS AND GUIDELINES

- Item 9      *Administrative License Suspension*, 98-TC-16  
City of Newport Beach, Claimant  
Vehicle Code Sections 13202.3, 13353, 13353.1, 13353.2, 14100, 23136, 23137, 23138, 23139, 23140, 23157, 23158.2, 23158.5  
As Added or Amended by Statutes 1989, Chapter 1460 (SB 1623)  
Statutes 1990, Chapter 431 (SB 1150); Statutes 1992, Chapter 1281 (AB 3580); Statutes 1993, Chapters 899(SB 689) and 1244 (SB 126);  
Statutes 1994, Chapter 938 (SB 1295), and Statutes 1997, Chapter 5 (AB 74)

- Item 10\*      *Sexual Assault Response Procedures*, 99-TC-12  
Los Angeles Community College District, Claimant  
Education Code Sections 67385, 67390 and 67391.  
Statutes 1987, Resolution Chapter 105 (SB 339); Statutes 1990, Chapter 423 (AB 3098); Statutes 1991, Chapter 1068 (AB 365); and Statutes 1995, Chapter 758 (AB 446)

- Item 11\*     *Absentee Ballots: Tabulation by Precinct (formerly known as Absentee Ballots II)*, 00-TC-08  
County of Orange, Claimant  
Elections Code Sections 15111, 15321 and 21000  
Statutes 1999, Chapter 697 (AB 1530)
- Item 12\*     Proposed Consolidation of *Charter Schools I*, CSM-4437  
Los Angeles County Office of Education and  
San Diego Unified School District, Claimants  
Education Code Section 47605, Subdivision (b), and former  
Subdivisions (j)(1), (j)(2), and (j)(3); and 47607, Subdivisions (a) and (b)  
Statutes 1992, Chapter 781 (SB 1448)  
and  
Proposed Parameters and Guidelines *Charter Schools II*, 99-TC-03  
Education Code Sections 47605, Subdivisions (j)(1) and (k)(3),  
47605.5, 47607, and 47614  
Statutes 1998, Chapters 34 and 673 (AB 544 and AB 2417)
- Item 13     Proposed Consolidation of *AIDS Prevention Instruction I*, 99-TC-07  
Sweetwater Union High School District, Claimant  
Education Code Sections 51201.5 and 51229.8  
Statutes 1991, Chapter 818 (AB 11)  
and  
Proposed Parameters and Guidelines for *AIDS Prevention Instruction II*,  
00-TC-0I  
Education Code Sections 51201.5, 51229.8, 51554 and 51553,  
Subdivision (b)(1)(A)  
Statutes 1998, Chapter 403 (SB 1110)
- Item 14     Proposed Amendment of *Criminal Background Checks I*, 97-TC-16  
Napa County Office of Education, Requestor  
Education Code Sections 45125, 45125.1, 44332.6, 44830.1, 45122.1  
Statutes of 1997, Chapters 588 (AB 1610) and 589 (AB 1612), and Statutes  
1998, Chapter 840 (AB 2102)
- Item 15     *Criminal Background Checks II*, 00-TC-05  
Napa County Office of Education, Claimant  
Education Code Sections 44830.1, 44830.2, 45122.1 45125,  
45125.01, 45125.1 and 45125.2; Statutes 1998, Chapters 594 (AB 1392) and  
840 (AB 2102); Statutes 1999, Chapter 78 (AJR 19);  
California Code of Regulations, Title 11, Sections 700-708

B. STAFF REPORT (action)

- Item 16 Bureau of State Audits Report, *State Mandates: The High Level of Questionable Costs Claimed Highlights the Need for Structural Reforms of the Process*, 2003-106.

C. PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5.

- Item 17 Adoption of Proposed Amendments to Sections 1181.1, 1183.01, 1183.3, and Proposed New Section 1189.11.

VII. STAFF REPORTS (info/action)

- Item 18 Chief Legal Counsel's Report  
Recent Decisions, Litigation Calendar
- Item 19 Executive Director's Report  
Budget, Workload, Legislation, Next Hearing

VII. PUBLIC COMMENT

VIII. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 and 17526. (Closed Executive Session may begin at this time or may begin earlier on this day and reconvene at the end of the meeting.)

A. PENDING LITIGATION

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matters pursuant to Government Code section 11126, subdivision (e)(1):

1. *County of San Diego v. Commission on State Mandates, et al.*, Case Number D039471, in the Appellate Court of the State of California, Fourth Appellate District, Division 1. CSM Case No. 01-L-16 [*San Diego MIA*]
2. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Case Number 02CS00994, in the Superior Court of the State of California, County of Sacramento. CSM Case No. 02-L-01 [*School Bus Safety II*]
3. *San Diego Unified School District v. Commission on State Mandates, et al.*, Case Number S109125, in the Supreme Court of the State of California. CSM Case No. 02-L-02 [*Pupil Expulsions*]
4. *County of San Bernardino v. Commission on State Mandates of the State of California, et al.*, Case Number B163801, in the Appellate Court of the State of California, Second Appellate District. CSM Case No. 02-L-04 [*Property Tax Administration*]
5. *San Diego Unified School District and San Juan Unified School District v. Commission on State Mandates, et al.*, Case Number C044162, in the Appellate

Court of the State of California, Third Appellate District. CSM Case No. 02-L-05  
[*Physical Performance Tests*]

6. *Palos Verdes Peninsula Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS00897, in the Superior Court of the State of California, County of Sacramento. CSM Case No. 02-L-06. [*Eastview Optional Attendance Area*]
7. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Case Number 03CS01069 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-01. [*Animal Adoption*]
8. *Department of Finance v. Commission on State Mandates, et al.*, Case Number 03CS01432 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-02. [*Behavioral Intervention Plans*]

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matter pursuant to Government Code section 11126, subdivision (e)(2):

- Based on existing facts and circumstances, there is a specific matter which presents a significant exposure to litigation against the Commission on State Mandates, its members and/or staff (Gov. Code, § 11126, subd. (e)(2)(B)(i).)

#### B. PERSONNEL

To confer on personnel matters pursuant to Government Code sections 11126, subdivision (a) and 17526. Discussion and action, if appropriate on report from the Personnel Sub-Committee.

### IX. REPORT FROM CLOSED EXECUTIVE SESSION, RECONVENE IN PUBLIC SESSION

#### X. ADJOURNMENT

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